

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7155

BILL NUMBER: HB 1187

NOTE PREPARED: Feb 3, 2011

BILL AMENDED: Jan 27, 2011

SUBJECT: Satellite Manure Storage Structures.

FIRST AUTHOR: Rep. Davis

FIRST SPONSOR: Sen. Gard

BILL STATUS: As Passed House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that after June 30, 2011, a person may not start (1) construction of certain satellite manure storage structures; or (2) expansion of certain satellite manure storage structures that increases manure containment capacity; without obtaining the prior approval of the Department of Environmental Management (IDEM).

Effective Date: July 1, 2011.

Explanation of State Expenditures: (Revised) IDEM would be required to approve of each request. The impact will depend on the number of requests that IDEM receives.

The IDEM Commissioner may initiate an investigation of an alleged violation. The impact of this provision will depend on future violations.

Explanation of State Revenues: (Revised) Applicants would be required to pay a \$100 fee. The amount of revenue that will be generated is unknown and will depend on the number of specific storage structures that are constructed or expanded. Revenue would be deposited in the Permit Operations Fund which is used to cover expenses associated with the permit program.

A person who violates the above provision could be liable for a civil penalty not to exceed \$25,000 per day of any violation. IDEM may recover the civil penalty in a civil action commenced in any court with jurisdiction; and request in the action that the person be enjoined from continuing the violation.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue.* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: IDEM.

Local Agencies Affected: Courts.

Information Sources:

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